

01-30-02

PTO/SB/29 (10-00)

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# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable  
☐ DUPLICATE #1267

CPA 2876/

Address

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.  
of Prior Application

6401.US.OI

First Named Inventor

Sarath Krishnaswamy

Examiner Name

U. Le

Group Art Unit

2876

Express Mail Label No.

EL507387509US

2/12/02  
amr

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09 / 363,728

filed on July 29, 1999, entitled ANALYTE TEST INSTRUMENT SYSTEM INCLUDING DATA MANAGEMENT SYSTEM

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice charges to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto:
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

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Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

01/31/2002 MGBREM1 00000016 010025 09363728

01 FC:131 740.00 CH  
02 FC:102 84.00 CH

| CLAIMS  | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE                      | (5) CALCULATIONS |
|---|---------|------------------|------------------|-------------------------------|------------------|
| TOTAL CLAIMS<br>(37 CFR 1.16(c) or (j))                         | 6       | -20* =           | 0                | x \$ 18.00 =                  | \$ 0.00          |
| INDEPENDENT CLAIMS<br>(37 CFR 1.16(b) or (i))                   | 4       | -3** =           | 1                | x \$ 84.00 =                  | 84.00            |
| MULTIPLE DEPENDENT CLAIMS (if applicable) 37 CFR 1.16(d))       |         |                  |                  | + \$ _____ =                  |                  |
|   |         |                  |                  | BASIC FEE<br>(37 CFR 1.16)    | 740.00           |
|   |         |                  |                  | Total of above Calculations = | 824.00           |
| Reduction by 50% for filing by small entity (Note 37 CFR 1.27). |         |                  |                  |                               |                  |
| * Reissue claims in excess of 20 and over original patent.      |         |                  |                  |                               |                  |
| ** Reissue independent claims over original patent.             |         |                  |                  |                               |                  |
| TOTAL =   |         |                  |                  |                               | 824.00           |

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. \_\_\_\_\_ 01-0025 \_\_\_\_\_:

a. ☒ Fees required under 37 CFR 1.16.

b. ☒ Fees required under 37 CFR 1.17.

c. ☒ Fees required under 37 CFR 1.18.

8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_

[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☒ Other: Three Month Extension of Time

**NOTE:**

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**14. NEW CORRESPONDENCE ADDRESS**

☒ Customer Number or Bar Code Label

23492

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name

Address

City

State

Zip Code

Country

Telephone

Fax

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)

David L. Weinstein

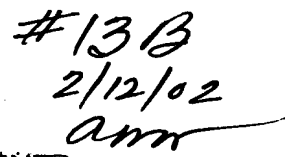
Signature

*David L. Weinstein*

Registration No. (Attorney/Agent)

28,128

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE-5 2022

EXPRESS MAIL NO. EL507387509US00M

## Certificate of Mailing (37 CFR 1.10)

**I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as Express Mail Post Office to Addressee Service on the date shown below with sufficient postage in an envelope addressed to the:**

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Box CPA  
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Washington, D.C. 20231  
On January 28, 2002

On January 28, 2002

Name of person signing  
this certificate: Michele M. Bonke

Signature: \_\_\_\_\_

Signature: Richard F. Bond

**Dear Sir:**

In response to the Final Rejection mailed July 30, 2001, the period for response to which has been extended to January 30, 2002, please amend the above-identified application as follows: